

1

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

THIS PLAN:

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

prosecute same.

You should have received from the court a separate Notice of the Hearing on Confirmation of Plan, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to

### YOUR RIGHTS MAY BE AFFECTED

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE.

☐ Original  
☐ Motions Included

☒ Modified/Notice Required  
☐ Modified/No Notice Required

Date:

Dec. 7, 2018

### CHAPTER 13 PLAN AND MOTIONS

Debtor(s)

In Re: Paul W Pieken  
Dolores A Pieken

Case No.:  
Judge:

18-22019JKS  
Sherwood

UNITED STATES BANKRUPTCY COURT  
District of New Jersey

Last revised: September 1, 2018

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.  
0 Valuation of Security  
0 Assumption of Executory Contract or Unexpired Lease  
0 Lien Avoidance

<b>Part 2: Adequate Protection</b> <input checked="" type="checkbox"/> NONE		a. Adequate protection payments will be made in the amount of \$_____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor). b. Adequate protection payments will be made in the amount of \$1,730 to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: Bayview (creditor).	
<b>Part 3: Priority Claims (Including Administrative Expenses)</b>		a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:	
Creditor	Type of Priority	Admin.	Amount to be Paid
			1,049.80
		Law Office of Ronald J. Levine	

**Part 1: Payment and Length of Plan**

a. The debtor has paid to date \$1,500 and shall pay 250.00 monthly to the Chapter 13 Trustee, starting on January 1, 2019 for the remaining 54 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future Earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion:

☐ Refinance of real property:

Description:

Proposed date for completion:

☒ Loan modification with respect to mortgage encumbering property:

Description: 128 Raintree Lane, Mahwah, NJ 07430

Proposed date for completion: 90 days from date of confirmation

☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

☒ Other information that may be important relating to the payment and length of plan:

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s): Attorney: R/L:           
 Initial Debtor: PWP:           
 Initial Co-Debtor:           
 DAP:         

U. m. H. 20

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE**

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan including Interest Calculation
------------------	------------	---------------	-----------------	--

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

**c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE**

Creditor	Collateral or Type of Debt	Arrearage	Arrearage Rate on Interest	Amount to be Paid to Creditor (in Plan)	Regular Monthly Payment (Outside Plan)
----------	----------------------------	-----------	----------------------------	---	--

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

**b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE**

Creditor	Collateral or Type of Debt	Arrearage	Arrearage Rate on Interest	Amount to be Paid to Creditor (in Plan)	Regular Monthly Payment (Outside Plan)
----------	----------------------------	-----------	----------------------------	---	--

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

**a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE**

#### Part 4: Secured Claims

Creditor	Type of Priority	Claim Amount	Amount to be Paid
<p><b>b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:</b>  Check one:  <input checked="" type="checkbox"/> None  <input type="checkbox"/> The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C. 1322(a)(4):</p>			

Part 7: Motions  NONE

Part 6: Executory Contracts and Unexpired Leases	X	NONE
--	---	------

Part 5: Unsecured Claims NONE

**f. Secured Claims Unaffected by the Plan** ☒ NONE

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
----------	------------	----------------	------------------------	----------------	--	----------------------	-------------------------

**Local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☒ NONE**  
The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
<p><b>b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. <input checked="" type="checkbox"/> NONE</b> The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:</p>							

Creditor	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
<p><b>c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. <input type="checkbox"/> NONE</b> The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:</p>					

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
Ocwen Loan Servicing, LLC	128 Raintree Lane Mahwah, NJ 07430 Bergen County	427,565.00	310,000.00	310,000.00	117,565.00

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**  
☒ Upon Confirmation  
☐ Upon Discharge

**b. Payment Notices**  
Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**  
The Standing Trustee shall pay allowed claims in the following order:  
 1) Ch. 13 Standing Trustee Commissions  
 2) Other Administrative Claims  
 3) General Unsecured Claims

**d. Post-Petition Claims**

Best Case Bankruptcy

Software Copyright (c) 1996-2018 Best Case, LLC - www.BestCase.com

6

I certify under penalty of perjury that the above is true.

Date: December 7, 2018

Date: December 7, 2018

Date: December 7, 2018

Debtor  
Paul W Pieken  
/s/ Paul W Pieken

Joint Debtor  
Dolores A Pieken  
/s/ Dolores A Pieken

Attorney for the Debtor(s)  
Ronald L. Levine  
/s/ Ronald L. Levine

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, Chapter 13 Plan and Motions, other than any non-standard provisions included in Part 10.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

**Signatures**

Any non-standard provisions placed elsewhere in this plan are ineffective.

☐ Explain here:  
☒ NONE

**Part 10: Non-Standard Provisions Requiring Separate Signatures:**

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☐ No

**Part 9: Modification** ☒ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: June 26, 2018

Explain below why the plan is being modified:  
To address TCOD by extending the date by which loan modification must be obtained.

Explain below how the plan is being modified:  
See 1(c)

The Standing Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Certificate of Notice Page 7 of 7**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Paul W Pieken  
 Dolores A Pieken  
 Debtors

Case No. 18-22019-JKS  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
 Form ID: pdf901

Page 1 of 1  
 Total Noticed: 9

Date Rcvd: Jan 07, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 09, 2019.

db/jdb	+Paul W Pieken, Dolores A Pieken, 128 Raintree Lane, Mahwah, NJ 07430-2060
517589970	+Bayview Loan Servicing, LLC, POB 650091, Dallas, TX 75265-0091
517589971	+Ocwen Loan Servicing, LLC, Attn: Stern & Eisenberg, PC, 1040 Kings Highway North, Cherry Hill, NJ 08034-1908
517660197	+Sovereign Medical Group, 1121 Situs Court Ste 350, Raleigh NC 27606-4275

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg	E-mail/Text: usanj.njbankr@usdoj.gov Jan 08 2019 00:14:04 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg	+E-mail/Text: ustpre03.ne.ecf@usdoj.gov Jan 08 2019 00:14:01 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
517706470	E-mail/PDF: resurgentbknofications@resurgent.com Jan 08 2019 00:11:48 Ashley Funding Services, LLC its successors and, assigns as assignee of Laboratory, Corporation of America Holdings, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
517718258	+E-mail/Text: bkmailbayview@bayviewloanservicing.com Jan 08 2019 00:14:31 Bayview Loan Servicing, LLC, 4425 Ponce de Leon Blvd, 5th Floor, Coral Gables, FL 33146-1837
517665476	E-mail/Text: JCAP_BNC_Notices@jcap.com Jan 08 2019 00:14:18 Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud Mn 56302-9617

TOTAL: 5

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jan 09, 2019

Signature: /s/Joseph Speetjens

---

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 7, 2019 at the address(es) listed below:

Denise E. Carlon	on behalf of Creditor	BAYVIEW LOAN SERVICING, LLC, A DELAWARE LIMITED LIABILITY COMPANY	dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Marie-Ann Greenberg	magecf@magtrustee.com		
Rebecca Ann Solarz	on behalf of Creditor	BAYVIEW LOAN SERVICING, LLC, A DELAWARE LIMITED LIABILITY COMPANY	rsolarz@kmlawgroup.com
Ronald I. LeVine	on behalf of Joint Debtor Dolores A Pieken		ronlevinelawfirm@gmail.com, irr72645@notify.bestcase.com
Ronald I. LeVine	on behalf of Debtor Paul W Pieken		ronlevinelawfirm@gmail.com, irr72645@notify.bestcase.com
U.S. Trustee	USTPRegion03.NE.ECF@usdoj.gov		

TOTAL: 6